

CITY OF MUSKEGON  
PLANNING COMMISSION  
REGULAR MEETING  
MINUTES

**December 15, 2016**

Chairman T. Michalski called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: T. Michalski, B. Mazade, J. Montgomery-Keast, F. Peterson, S. Gawron, B. Larson, E. Hood

MEMBERS ABSENT: J. Doyle, excused

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: T. Painter, ; K. Evans & G. Mund, West MI Shoreline Regional Development Commission (WMSRDC)

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of November 10, 2016 be approved was made by B. Larson, supported by F. Peterson and unanimously approved.

NEW BUSINESS

**Hearing, Case 2016-18:** Request for a Special Use Permit to operate a restaurant at 1635 Beidler Street in an R-1, Single Family Residential District, by Tim Painter. M. Franzak presented the staff report. The property is zoned R-1, Single Family Residential. However, Section 401 of the zoning ordinance allows previously existing or established commercial uses not already converted to a residential use to be authorized for certain businesses, including a restaurant, under a Special Use Permit. The property is located at the corner of Beidler St and Forest Ave and the lot measures 110' x 104.' The building was formerly used as the Westside Inn bar. It has been vacant over five years. The new owner would like to open a restaurant in the building. They do not intend to serve alcohol at this time. Staff recommends approving the restaurant with the condition that no alcohol be allowed. If they choose to expand service to offer alcohol at a later date, they could request to amend the Special Use Permit at that time. There is adequate parking on site to accommodate a restaurant. The parking lot may not meet today's maneuvering standards, but they are grandfathered in for smaller parking spaces on this site. Notice letters were sent to properties within 300 feet of this property. At the time of this writing, staff had not received any calls on this matter.

T. Painter stated that he purchased the property two months ago. He explained the type of restaurant he had planned and felt that it would be a good fit for the neighborhood. He had an architect working with him on renovations. T. Michalski asked what the planned business hours would be. T. Painter stated that it would be a lunch and dinner restaurant and the tentative hours were 11:00 a.m. until 8:00 or 9:00 p.m. J. Montgomery-Keast asked what the seating capacity was. T. Painter stated that the building capacity was 88, but he was going to use a portion of the building as an office, which would lower the capacity in the dining area. F. Peterson asked what

his plan for the façade was. T. Painter stated that curb appeal would be important to draw people in. He wanted to modernize the facade, and was working with his architect on a couple of ideas.

A motion to close the public hearing was made by B. Larson, supported by F. Peterson and unanimously approved.

A motion that the request for a Special Land Use Permit to operate a restaurant at 1635 Beidler Street in an R-1, Single Family Residential District be approved as proposed with the condition that no alcohol may be served on site, was made by B. Larson, supported by E. Hood and unanimously approved, with T. Michalski, B. Mazade, J. Montgomery-Keast, F. Peterson, S. Gawron, B. Larson, and E. Hood voting aye.

**Hearing, Case 2016-19:** Staff-initiated request to amend the Waterfront Industrial Planned Unit Development (WI-PUD) District to modify the Preamble, Uses Permitted (Section 1504), Prohibited Uses (Section 1505), and Review Standards (Section 1506). M. Franzak presented the staff report and a copy of the WI-PUD zoning ordinance excerpt. In this district, all new projects are required to go through the Planned Unit Development process. Staff is recommending modifications to the district in order to best utilize some properties on the east end of Muskegon Lake. The following modifications are proposed: 1) In the Preamble, add a statement to reiterate that every project in these districts should have a key principal use defined to ensure that the property is utilized to its fullest potential; 2) Under Section 1504 – Principal Uses, staff recommends moving numbers 1, 3 and 6 to Accessory Uses. This will emphasize that these properties must have a major commercial operation as a principal use and are not solely utilized for minimally staffed operations; 3) Also under Section 1504- Principal Uses, staff recommends removing number 5. The elimination of aggregate storage would eliminate blight on the waterfront. Also, aggregate storage does not produce many jobs and contributes to blight and water pollution. This use would be moved to prohibited uses; 4) Also under Section 1504- Principal Uses, staff recommends adding “with proper screening” to number 11. The new language would read “Commercial engine and hull repair with property screening.” This will help emphasize that anything that could contribute to blight should be screened whenever practical; and 5) Under Section 1506: Review Standards, staff recommends eliminating numbers 10 and 11. These relate to aggregate storage, which would no longer be allowed.

M. Franzak stated that the proposed changes represent the City’s desire to attract larger-scale businesses rather than empty space for storage. Aggregate storage was removed, as it causes blight and generally provides few jobs. There were currently two WI-PUD districts in the City. B. Larson asked if the changes were being made for a particular business that had expressed interest in the site, or by staff. M. Franzak stated that the changes were initiated by staff. B. Mazade asked if there were any Special Use provisions. M. Franzak stated that, since it was a PUD district, all requests required Planning Commission approval. M. Franzak also pointed out that the phrase “with proper screening” should be added to item #11.

A motion to close the public hearing was made by S. Gawron, supported by F. Peterson and unanimously approved.

A motion that the proposed amendments to the Waterfront Industrial Planned Unit Development (WI-PUD) District *Preamble, Uses Permitted* (Section 1504), *Prohibited Uses* (Section 1505), and *Review Standards* (Section 1506) of the City of Muskegon Zoning Ordinance be recommended to the City Commission for approval, with the addition of the phrase “with property screening” to

#11, was made by J. Montgomery-Keast, supported by B. Larson and unanimously approved, with T. Michalski, B. Mazade, J. Montgomery-Keast, F. Peterson, S. Gawron, B. Larson, and E. Hood voting aye.

### OLD BUSINESS

M. Franzak requested that the board consider the tabled case from last month.

**Case 2016-17:** Staff-initiated request to revoke the Special Use Permit (SUP) for an auto dealership at 1272/1308 S. Getty Street. This case had been tabled from the November meeting, with the board giving the property owner/lessee until this meeting to get the property cleaned up. If that wasn't done, the board had made it clear that they would vote to revoke the SUP. M. Franzak stated that he had been by the property and it had not been cleaned up, and in fact, looked worse. M. Franzak had spoken to Mr. Corona and advised him that he would be asking for revocation of the SUP.

A motion that the Special Land Use Permit for auto sales at 1272/1308 S. Getty Street be revoked, was made by B. Mazade, supported by S. Gawron and unanimously approved, with T. Michalski, B. Mazade, J. Montgomery-Keast, F. Peterson, S. Gawron, B. Larson, and E. Hood voting aye.

### OTHER

Presentation by the WMSRDC re: green infrastructure grant. K. Evans was the program manager for WMSRDC. She stated that they were partnering with the City of Muskegon on a green infrastructure grant, which would assist with stormwater management on several sites. G. Mund presented conceptual drawings, and K. Evans described the projects that would benefit from the grant funds, including Seyferth Park, Hartshorn Marina, the dog park, Nelson School, and the Carpenter Brothers lot. She stated that they would be continuing to seek additional grants.

There being no further business, the meeting was adjourned at 4:38 p.m.